

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

CARL ZEISS MEDITEC, INC.,

Plaintiff,

v.

TOPCON MEDICAL SYSTEMS, INC., et
al.,

Defendants.

Case No. 19-cv-04162-SBA (LB)

DISCOVERY ORDER

Re: ECF Nos. 310 & 317

The parties dispute the procedures for review and production of the ESI discovery that has been the subject of earlier orders.¹ The court can decide the dispute without oral argument. N.D. Cal. Civ. L.R. 7-1(b).

As the court ruled previously, the protective order applies to the production.² Zeiss must bear the cost of its own vendor.³ Regarding the disputed provisions of the ESI protocol, the parties must use Topcon's proposal.⁴ Zeiss has not articulated a reason to retain an archive copy through the trial

¹ Discovery Letter Briefs – ECF Nos. 310, 317; Orders – ECF No. 299, 302. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Discovery Order – ECF No. 299 at 2.

³ *Id.*

⁴ Discovery Letter Brief – ECF No. 310 at 4–5; Discovery Letter Brief – ECF No. 317 at 4–5 & Ex. 4.

1 date.⁵ Topcon's review of the data for privilege is reasonable and is consistent with the court's
 2 earlier orders. Because Zeiss wanted its vendor to review the raw data, Topcon may review the data
 3 first and must maintain a privilege log of items for any withheld materials. The parties must meet
 4 and confer about the Target Files, search strings, and Topcon's proposed search strings (as Topcon
 5 proposes).⁶ The pending forensic analysis must take place (as the court ordered previously).

6 The court reminds the parties that they must file their letter briefs under the Civil Events
 7 category of "Motions and Related Filings > Motions – General > Discovery Letter Brief." (This
 8 dispute was filed as a "Letter Brief," which is a different category. It matters administratively.)

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 10 **IT IS SO ORDERED.**

11 Dated: March 25, 2021



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 13 LAUREL BEELER
 14 United States Magistrate Judge
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27 ⁵ Discovery Letter Brief – ECF No. 310 at 2 (Zeiss said that it "believes that the vendors should be
 28 able to keep an archive copy of the data" but offered no explanation.).

⁶ Discovery Letter Brief – ECF No. 317 at 5.